

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland City Hall Board Room 301 Coleman Avenue, Waveland, MS. on October 4, 2016 at 6:30 p.m. to take action on the following matters of City Business.

ROLL CALL

Mayor Smith noted for the record the presence of Aldermen Burke and Lafontaine along with City Clerk Lisa Planchard and City Attorney Rachel Yarborough.

Absent from the Meeting were Alderman Richardson and Piazza.

PUBLIC COMMENTS

There were no comments presented.

MAYOR'S REPORT/PUBLIC APPEARANCE

Re: Mr. Bill Cork, Director of the Port and Harbor Commission updated the Board on the actions, businesses and progression since his taking the Director's position and offered assistance with Economic Development.

Re: Mrs. Alicia Warren requested holding a skate board event to be held on 10/16/2016 from 2 p.m. to 5 p.m. in the parking lot located between the Veterans Memorial and the Garfield Ladner Memorial Pier. The Board collectively approved, although not by specific motion.

ATTORNEY'S COMMENTS

Re: There were no comments

ALDERMEN'S COMMENTS

Re: **Alderman Burke**

- Asked what a work order looks like; Mayor Smith explained. Mayor Smith said he would like to put a work order link on the website that would send the work order to the Public Works Department, but copy the Alderman it affects. Those that are phoned in will be copied and put in the Mayor & Aldermen's mailbox upstairs.

Re: **Alderman Lafontaine**

- Discussed issues prior to the meeting/No comments

DOCKET OF CLAIMS

Re: **Claims**

Alderman Lafontaine moved, seconded by Alderman Burke to approve the Docket of Claims in the amount of \$303,664.33 dated October 4, 2016 as submitted. **(EXHIBIT A)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

MINUTES

Re: **Minutes of September 21, 2016**

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Minutes of the Regular Meeting of September 21, 2016 as submitted.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

PROCLAMATIONS/DOMESTIC VIOLENCE AWARENESS MONTH

Re: Recognize October 2016 as Domestic Violence Awareness Month

Alderman Lafontaine moved, seconded by Alderman Burke to recognize October 2016 as Domestic Violence Awareness Month. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

SOUTH STREET DRAINAGE IMPROVEMENTS PROJECT

Re: Approve Moran Hauling as the Contractor on the South Street Drainage Improvements Project

Alderman Burke moved, seconded by Alderman Lafontaine to approve Moran Hauling as the lowest, best and most responsible bid on the South Street Drainage Improvements project in the amount of \$99,043.71 or based upon recommendation by Compton Engineering.
(EXHIBIT C)

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

SURPLUS/ADVERTISEMENTS/MOBILE HOMES

Re: Declare Mobile Homes as Surplus Property: formerly used as the Police Department, Fire Department and Animal Shelter Office

Alderman Burke moved, seconded by Alderman Lafontaine to declare the following two assets as surplus property and approve to advertise for bids for the sale of same, as listed (Items a&b): These have been researched in past Minutes and have not been declared surplus as yet.

- a) Trailer, Mobile Home (double wide), 200 6-Bar Code 1238215 (Serial #011-06-816-22699A) & Bar Code 1238216 (Serial #011-06-816-22699B) (formerly Police Station-Coleman Ave)
- b) Trailer, Mobile Home/Modular Office (double wide), 2006-Bar Code 1238566 (Serial #G800570-B) & Bar Code 1238567 (Serial #G800570-A) (formerly Animal Shelter-Gulfside Dr.)

Mrs. Yarborough said that this would be a finding in accordance with 17-25-25 and it would be a necessary finding that the property has ceased to be used for public purpose and the sale of the personal property would promote the interest of the Governing Authority.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

PLANNING AND ZONING (EXHIBIT D)
Re: 104 Waveland Avenue, Santo Baiamonte

Santo Baiamonte appeared before the commission with a request for permission to remove a live oak tree in order to build a new residence on his property located at 104 Waveland Avenue. Legal description: Lot 4, Beach Vista Subdivision, City of Waveland, Hancock County, Mississippi.

Commissioner Mike Kopke moved, seconded by Commissioner Charlotte Watson to recommend that the Board of Mayor and Alderman approve the applicant's request for permission to remove a live oak tree in order to build a new residence on his property located at 104 Waveland Avenue. The applicant must plant six live oak trees to be divided on his property (lots 4 & 6 Beach Vista Subdivision) to replace the live oak tree that is being removed.

Alderman Lafontaine moved, seconded by Alderman Burke to follow the recommendation of the Planning and Zoning Commission and approve the request as submitted.

Mrs. Yarborough said according to the Planning and Zoning Ordinance, there should be an opinion of the Building Official which states whether or not the removal of the tree is justified by reason of either 1) poor health or dangerous condition of the tree or 2) construction or other improvements to be made on the property. Mrs. Yarborough said what would have to be presented is information from the Building Official (Bill Carriage), i.e. whether he agreed with the opinion or not that the tree be removed. Mrs. Yarborough stated that according to the Ordinance, it has to be determined ultimately by this Board that either it's (the tree) in poor health or that per the proposed construction cannot be practically located in such a way as to preserve the tree; that's what we're missing from that record in Planning & Zoning according to our Ordinance. Mrs. Yarborough said the Ordinance is imposed by the Board and they have the right to waive the requirement by the Building Inspector and approve.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

Re: 227 Favre Street, Danilo and Debra Miller

Danilo and Debra Miller appeared before the commission with a request for a conditional use in order to erect a metal accessory structure 13' x 51' in order to protect their motor home. The proposed accessory structure will meet the required setbacks. This property is located at 227 Favre Street. Legal description: Lot 96C, 2nd Ward, City of Waveland, Hancock County, Mississippi.

Commissioner Charlotte Watson moved, seconded by Commissioner Mike Kopke to recommend that the Board of Mayor and Aldermen approve the applicant's request for a conditional use in order to erect a metal accessory structure 13' x 51' in order to protect their motor home.

Alderman Lafontaine moved, seconded by Alderman Burke to follow the recommendation of the Planning and Zoning Commission and approve the request as submitted.

Mrs. Yarborough said that under 906.3 of the Zoning Ordinance which addresses the requirements for conditional use, basically if the Board so approves the recommendation of P&Z to approve the conditional use, the Board is making the necessary findings that the conditional use is in the best interests of the City of Waveland, that it does not substantially increase traffic hazards or congestion, does not substantially increase fire hazards or adversely affect the character of the neighborhood or the general welfare of the City, doesn't over tax Public Utilities

or Community Facilities and it's not in conflict of the Comprehensive Plan and that the use would benefit the City, and the surrounding area would not be adversely affected.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

APPOINTMENTS

Re: Motion to appoint members of School District Consolidation Committee died for lack of action

Motion to approve the following two appointments to the Committee formed to discuss the potential consolidation of the Bay-Waveland School District and the Hancock County School Districts. _____? _____?

Agenda Item 15 above dies for lack of motion.

ORDINANCES

Re: TABLE approval of Ordinance 369 Tax Abatement for Central Business District

Alderman Lafontaine moved, seconded by Alderman Burke to approve Ordinance Number 369 Tax Abatement Ordinance for the Central Business District, in accordance with MS. Code Ann. Section 17-21-5, as amended, excluding School District taxes, and urging the Hancock County Board of Supervisors to provide for Exemptions qualified by the City of Waveland. (As Tabled from the September 21, 2016 Meeting) (NO VOTE TAKEN ON THIS MOTION)

After lengthy discussion, Alderman Burke moved, seconded by Alderman Lafontaine to **TABLE** approval of Ordinance Number 369 Tax Abatement Ordinance for the Central Business District, in accordance with MS. Code Ann. Section 17-21-5, as amended, excluding School District taxes, and urging the Hancock County Board of Supervisors to provide for Exemptions qualified by the City of Waveland. (As Tabled from the September 21, 2016 Meeting)

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

RESOLUTIONS/BLIGHTED PROPERTIES/EDNA STREET LOT 52

Re: Resolution Adjudicating Property Cleanup Costs in the amount of \$1,800.00 for Property owned by Ms. Lenora Kelly ETAL, Lot 22 Edna Street

Alderman Lafontaine moved, seconded by Alderman Burke to approve a Resolution of the Board of Mayor and Aldermen of the City of Waveland, Mississippi Adjudicating Costs in the amount of \$1,800.00 and Penalties in the amount of \$0.00 under 21-19-11 for property described as Lot 52 located on Edna Street (aka Pecan Ridge), Parcel No. 162F-04-052.000, City of Waveland, Owned by Ms. Lenora Kelly ETAL. The Board has previously made the requisite factual findings and satisfied the statutory requirements of 21-19-11. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

RESOLUTIONS/BLIGHTED PROPERTY/6035 POLK STREET

Re: Resolution adjudicating property cleanup costs in the amount of \$3,400.00 for property owned by Quinnon R. Sides, 6035 Polk Street

Alderman Burke moved, seconded by Alderman Lafontaine to approve a Resolution of the Board of Mayor and Aldermen of the City of Waveland, Mississippi Adjudicating Costs in the amount of \$3,400.00 and Penalties in the amount of \$0.00 under 21-19-11 for property described 6035 Polk Street, Parcel No. 139C-0-40-172.000, City of Waveland, Owned by Mr. Quinnon R. Sides ETAL. The Board has previously made the requisite factual findings and satisfied the statutory requirements of 21-19-11. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

CITYWIDE SEWER IMPROVEMENTS PROJECT/SEWER PROJECT

Re: Ratify Allowable Costs Certification by Burns Cooley Dennis, Inc. for Materials Testing on Citywide Sewer Project

Alderman Burke moved, seconded by Alderman Lafontaine to ratify the Allowable Cost Certification to MDOT by Burns Cooley Dennis, Inc. that the costs for the materials testing are reasonable as it relates to the Citywide Sewer Improvements Project. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

AGREEMENTS/CONTRACTS/SOUTHERN MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT (SMPDD)

Re: Host Agency Agreement with SMPDD for Administrative Assistance

Alderman Lafontaine moved, seconded by Alderman Burke to enter into SSAI SCSEP Host Agency Agreement, including required signatures, between The City of Waveland, Mississippi, hereinafter referred to as the Host Agency, and Southern Mississippi Planning and Development District, hereinafter referred to as the Sponsor Agency to provide the City with senior volunteer workers at no cost to the City. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

MUNICIPAL COMPLIANCE QUESTIONNAIRE/BUDGET FY 2016

Re: Municipal Compliance Questionnaire for FY 2016

Alderman Burke moved, seconded by Alderman Lafontaine to approve the Annual Municipal Compliance Questionnaire for the Fiscal Year Ending September 30, 2016. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

TAX ASSESSOR/ ASSESSED VALUATION SCHEDULE/FY 2016

Re: Assessed Valuation Schedule from Tax Assessor for FY 2016

Alderman Burke moved, seconded by Alderman Lafontaine to accept the Assessed Valuation schedule from Tax Assessor/Collector, Jimmie Ladner of Real Property, Personal Property, Public Utility, Motor Vehicles, and Mobile Homes taxes for the Year 2016 to be collected in 2017. **(EXHIBIT J)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

ADVERTISEMENT/HARDWOOD CLUB

Re: Renew Bay High Hardwood Club Sign at Bay High Sign

Alderman Lafontaine moved, seconded by Alderman Burke to approve advertisement renewal to be placed in the Bay High School Gym as requested by the Bay High Hardwood Club. Renewal cost of the sign would be \$100.00 for a 24" x 18" sign, with a \$100.00 renewal fee each subsequent year if the Board should so approve at that time. This advertisement is budgeted for FY 2017. **(EXHIBIT K)**

Mrs. Yarborough said for the record, this is a finding under MS. Code Section 17-3-1 and 17-3-3 that the purpose of the advertising is bringing into favorable notice the opportunities, possibilities and resources of the City of Waveland and that is helpful toward advancing the moral, financial and other interests of the City of Waveland.

A vote was called for with the following results:

Voting Yea: Lafontaine and Smith

Voting Nay: Burke

Absent: Richardson and Piazza

ADVERTISEMENTS/REQUEST FOR PROFESSIONAL SERVICES/CITYWIDE SEWER PROJECT/RE-ADVERTISE

Re: Re-Advertise for Proposals for Professional Engineering Services related to SRF Citywide Sewer Project

Alderman Burke moved, seconded by Alderman Lafontaine to re-advertise for requests for proposals (RFP's) for Professional Services for Construction Materials Testing during construction phase services for the SRF City-wide Sewer Project.

Mrs. Yarborough said only one bid was received for RFP's on this and by Federal Procurement Guidelines, the City has to have a minimum of at least 3 bids to be competitive so we're going to have to re-solicit bids for this.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

**COURT DEPARTMENT/POLICE DEPARTMENT/UNMARKED VEHICLES/BIDS/
BUILDING DEPARTMENT/PERMITS/PRIVILEGE LICENSE REPORT**

Spread on the minutes the following as listed, (Items a-e):

- a) Certificate of Attendance for Rhonda Cummings Court Clerk Rhonda Cummings certificates of attendance at the Mississippi Municipal Court Clerk's Seminar, September 14-16, 2016 in Jackson, MS. **(EXHIBIT L)**
- b) The following listing of City of Waveland unmarked City of Waveland Police vehicles as required by Office of the State Auditor as listed (Items 1-9):
(EXHIBIT M)
 - 1. 2010 Nissan Pathfinder 5N1AR18U39C613177
 - 2. 2008 Expedition 1FMFK165X8LA86694
 - 3. 2008 Expedition 1FMFK165X8LA86695
 - 4. 2008 Expedition 1FMFK15518LA15868
 - 5. 2008 Ford F150 1FTPW14V88FA30459
 - 6. 2008 Ford F150 1FTPW14V88FA76566
 - 7. 2008 Ford F150 1FTPW14V28FA76616
 - 8. 2008 Ford F150 1FTPW14V28FA76675
 - 9. 2008 Ford F150 1FTPW14VX8FA76732
- c) Bids for Sand, Limestone & Fill Dirt were opened immediately prior to this regular meeting and taken under advisement.
- d) Building Permits Report for the month of September 2016. **(EXHIBIT N)**
- e) Privilege License Report for the period 10/1/15 through 9/30/16. **(EXHIBIT O)**

EXECUTIVE SESSION

Re: Potential, Probable and Pending Litigation

Alderman Burke moved, seconded by Alderman Lafontaine to consider Executive Session to prompt a closed discussion regarding the following: Notice of Claim filed by Jeremy Compretta, 509 Meadow Lane, potential and probable litigation; gulf shore Properties, LLC, Oak Park Mississippi Properties, LLC and Waveland Properties, LLC vs. Waveland-pending litigation; Citywide Sewer Project-HMGP Drainage Improvements, Kappa Construction Contractual issues-potential and probable litigation; Police Department litigation, C. Perry v City of Waveland-pending litigation.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

Re: Enter Executive Session

Alderman Burke moved, seconded by Alderman Lafontaine to enter Executive Session regarding the following: Notice of Claim filed by Jeremy Compretta, 509 Meadow Lane, potential and probable litigation; gulf shore Properties, LLC, Oak Park Mississippi Properties, LLC and Waveland Properties, LLC vs. Waveland-pending litigation; Citywide Sewer Project-HMGP Drainage Improvements, Kappa Construction Contractual issues-potential and probable litigation; Police Department litigation, C. Perry v City of Waveland-pending litigation.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

LEGAL DEPARTMENT/SETTLEMENT/MEADOW LANE

Re: Authorize settlement with Jeremy Compretta of 509 Meadow Lane

Alderman Lafontaine moved, seconded by Alderman Burke to authorize settlement with Jeremy Compretta of 509 Meadow Lane.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

LEGAL DEPARTMENT/SETTLEMENT

Re: Settlement with Gulf Shore Properties, LLC. Properties, Oak Park Mississippi Properties, LLC and Waveland Properties, LLC.

Alderman Burke moved, seconded by Alderman Lafontaine to authorize City Attorney to settle with Gulf Shore Properties, LLC, Oak Park Mississippi Properties, LLC and Waveland Properties, LLC.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

LEGAL DEPARTMENT/POLICE STATION-BUILDING

Re: Attorney Gary Yarborough to retain 4 experts for Litigation Purposes: Expert Opinions

Alderman Lafontaine moved, seconded by Alderman Burke to authorize Attorney Gary Yarborough to retain four experts for litigation purposes to provide expert opinions related to C. Perry litigation with Police Building.

- a) Dr. Ralph Sinno, Engineer
- b) Wagoneer Engineering
- c) Bob Luke, Architect
- d) GM&R Construction

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

Re: Exit Executive Session

Alderman Burke moved, seconded by Alderman Lafontaine to exit Executive Session with action taken.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

**INVOICES/CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT/HMGP FUNDS
Re: TABLE approval of Agenda items related to the payment of CSX and Kappa, and transfer of funds related to the HMGP Citywide Drainage Project until the re-convening of the recessed meeting on October 13, 2016 at 5:30 pm.**

Alderman Lafontaine moved, seconded by Alderman Burke to **TABLE** approval of Agenda items 30, 31, and 32, being the following:

- a) **(Agenda Item 30)** Motion to ~~approve~~ **TABLE** Invoice No. 9039552 in the amount of \$10,702.70 due 9/25/16, submitted by CSX for work performed during the Citywide Drainage Improvements Project as listed, reserving all rights, contractual or otherwise against Kappa Development.
- b) **(Agenda Item 31)** Motion to ~~approve~~ **TABLE** transfer of funds from the HMGP Anticipation Note in the amount of 98,066.25 (rounded) (\$108,768.95 less 10,702.70 payable to CSX) to the Depository Bank Account to pay Kappa Development Invoice No. 22 related to the HMGP Citywide Drainage Improvements Project.
- c) **(Agenda Item 32)** Motion to ~~approve~~ **TABLE** Payment Application No. 22 from Kappa Development in the amount of ~~\$108,768.95~~ \$98,066.25 regarding the Citywide Drainage Improvements Project/HMGP, which amount considers deduction of CSX Invoice No. 9038746.

During discussion Mrs. Yarborough said the tabled items above are necessary due to lack of required documentation from AMEC regarding Pay Application #22 from Kappa Development. She said there is some vagueness as to the Pay Application certification from Pickering regarding at what time certain unit quantities were used which needs to be clarified due to the fact that our period of performance expired September 1st, so we need to delineate which items were used before September 1st for reimbursement purposes from our grant.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

**RECESS MEETING
Re: Recess Meeting at 9:11 p.m.**

Alderman Burke moved, seconded by Alderman Lafontaine to recess the meeting to Thursday October 13, 2016 at 5:30 pm.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Richardson and Piazza

The foregoing minutes were presented to Mayor Smith on October 21, 2016.

Lisa Planchard
City Clerk

The Minutes of October 4, 2016 have been read and approved by me on this day the 21st day of October, 2016.

Mike Smith
Mayor